CHAPTER 9¹

C-R COMMERCIAL/RESIDENTIAL MIXED USE

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14-9-101 PURPOSE AND OBJECTIVES³

The Commercial/Residential (C-R) Mixed Use Zone is established to provide a district primarily for the preservation of the mixed use character of the commercial and residential uses in and adjacent to the Main Street downtown area. However, this zone is not intended to reduce the amount of existing commercial, retail and office uses in the downtown area by allowing the conversion of such uses to residential uses.

¹Added to the Zoning Ordinance 4/3/96 Ordinance No. 96-3

²Amended 8/6/97 Ordinance No. 97-23

³Amended 9/9/2003 Ordinance No. 2003-14

14-9-102 PERMITTED USES⁴

All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

The following uses are permitted in the C-R Zone:

USE NO.	USE CLASSIFICATION
1111	Single Family Dwelling - Detached (existing only)
1121	Two Family Dwelling (Duplex) (existing only)
1131	Multiple Family Dwelling (existing only)
1141	Apartments (low-rise) (existing only)
1241	Residential facility for elderly persons, subject to the requirements of Sections 10-9-501 et seq of the Utah Code and Section 14-14-120 of the Bountiful Zoning Ordinance. (existing only)
1290	Residential facility for persons with a disability as defined in Section 10-9-605 of the Utah Code, subject to the requirements of Section 14-14-121 of the Bountiful Zoning Ordinance. (existing only)
4700	Communications
4800	Utilities (lines and right-of-way only)
5220	Heating and plumbing equipment
5230	Paint, glass, and wallpaper
5240	Electrical supplies
5251	Hardware
5254	Janitorial supplies
5255	Building maintenance materials
5256	Swimming pool supplies
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⁴Amended 9/9/2003 Ordinance No. 2003-14

USE NO.	<u>USE CLASSIFICATION</u>
5310	Shopping centers/department stores
5320	Mail order houses
5330	Variety stores
5390	Retail trade - general merchandise
5400	Food stores (except 5412)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places
5910	Drug and proprietary
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5970	Jewelry
5990	Miscellaneous retail trade
6100	Finance, insurance, and real estate. (Except 6123, 6124, 6141)
6213	Dry cleaning
6216	Self-service laundries
6218	Rug cleaning and repair
6220	Photographic services
6230	Beauty and barber services
6250	Apparel repair, alteration, and cleaning
6291	Clothing rental
6292	Costume rental

USE NO.	<u>USE CLASSIFICATION</u>
6299	Other personal services
6310	Advertising services
6320	Consumer credit reporting services
6330	Duplicating, mailing, stenographic, and office services
6340	Dwelling and building services (except 6342, 6345 - office only)
6350	News syndicate services
6360	Employment services
6493	Watch, clock, jewelry repair, engraving
6496	Locksmiths and key shops
6500	Professional services (except 6513, 6516)
6600	Contract construction services (office only)
6700	Governmental services (except 6714, 6740, 6750, 6770)
6900	Miscellaneous service organizations
7391	Arcades

Accessory buildings which are customarily used in conjunction with and are incidental to the principal uses and structures allowed in the C-R Zone.

An accessory in-law apartment may be established by special permit approved by the Planning Director and shall meet the following criteria:

- 1. Any accessory in-law apartment shall be established only within a single-family dwelling and by building permit in accordance with the International Building Code. Accessory in-law apartments may not be located in a duplex or multiple family dwelling unit.
- 2. Occupancy and use of any accessory in-law apartment shall be by members of the immediate family of the principal owner-occupants of the dwelling to include and be limited only to legal dependents, children, parents, grandchildren and grandparents. Other relatives or special circumstances may be considered by conditional use permit.

- 3. Separate utility service connections shall not be allowed.
- 4. Common access between units shall be provided.
- 5. The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family residence.
- 6. Water and sewer systems must be adequate to handle the additional unit.
- 7. Adequate off-street parking shall be provided for both the primary residential use and the accessory in-law apartment using existing driveways only and shall be in compliance with Chapter 18 of this ordinance.
- 8. A deed restriction must be filed with the County Recorder which states:

A permit for an accessory in-law apartment was issued to _______, the current owner of this property on _______ by Bountiful City. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one dwelling unit may exist on the property unless a new permit for the accessory in-law apartment is issued to any new owner.

14-9-103 CONDITIONAL USES⁵

The following uses and structures are permitted in the C-R Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
1111	Single Family Dwelling - Detached (new developments)
1121	Two Family Dwelling (Duplex) (new developments)
1131	Multiple Family Dwelling (new developments)
1141	Apartments (low-rise) (new developments)
1160	Apartments for the Elderly (under the provisions of Section 14-9-117 of this Chapter)
1241	Residential facility for elderly persons, subject to the requirements of Sections 10-9-501 et seq of the Utah Code and Section 14-14-120 of the

⁵Amended 9/9/2003 Ordinance No. 2003-14

USE NO.	USE CLASSIFICATION
	Bountiful Zoning Ordinance. (new developments)
1290	Residential facility for persons with a disability as defined in Section 10-9-605 of the Utah Code, subject to the requirements of Section 14-14-121 of the Bountiful Zoning Ordinance. (new developments)
1511	Hotels
1512	Motels
2742	Commercial printing (only related to retail sales of printed products)
4210	Bus transportation (except 4214)
4290	Motor vehicle transportation
4600	Automobile parking (lots not associated with a specific business)
4800	Utilities (except lines and rights-of-way)
5130	Dry goods and apparel
5140	Groceries and related products
5160	Electrical goods
5170	Hardware, plumbing, heating equipment and supplies
5183	Professional equipment and supplies
5186	Office machinery, equipment and accessories
5196	Paper, paper products, and kindred supplies
5197	Furniture - commercial home furnishings
5198	Lumber and construction materials (no outside storage)
5199	Other wholesale trade
5211	Lumberyards (no outside storage)
5212	Building materials (no outside storage)

USE NO.	<u>USE CLASSIFICATION</u>
5313	Surplus stores (no outside storage)
5340	Merchandise vending machine operators
5350	Direct selling organizations
5412	Convenience stores (7-11, Circle K type facilities)
5510	Motor vehicle sales
5520	Automobile accessories (except tire re-capping and vulcanizing)
5530	Service stations
5590	Automotive, marine crafts, and accessories
5820	Drinking places
5920	Liquor, package (State stores)
5930	Antiques and secondhand merchandise (except 5935, 5939)
5960	Garden supplies
6241	Funeral home
6256	Locker clubs
6296	Massage establishments (must meet all the requirements of Chapter 8, Title 5, Bountiful City Code)
6299	Personal services (wedding chapels and reception center only)
6394	Equipment rental and leasing services
6397	Automobile, truck and trailer rentals
6410	Automobile repair services (with new or used care dealerships only)
6420	Electrical appliance repair
6494	Furniture repair

<u>USE NO.</u>	<u>USE CLASSIFICATION</u>
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6513	Hospitals
6516	Convalescent and rest home services. (Lodging and meals offered with full time medical staff. Does not include sanitariums or asylums.)
6800	Educational services
7100	Cultural activities and nature exhibits
7211	Amphitheaters
7212	Motion picture theaters (indoors)
7214	Legitimate theaters
7219	Other entertainment assembly
7230	Public assembly
7425	Gyms, athletic clubs, spas

14-9-104 LOT AREA

A. <u>Commercial Uses and Mixed Use Developments</u>. There shall be no minimum lot area requirements for commercial uses in the C-R Zone except as may be dictated by off-street parking requirements, adequate circulation and property site utilization.

- B. <u>Residential Uses.</u> The minimum area for any residential lot or parcel of land in the C-R Zone shall be as follows:
 - 1. Six thousand five hundred (6,500) square feet for each single family dwelling.
 - 2. ten thousand (10,000) square feet for each duplex.
 - 3. Density for more than two units on any lot or parcel in the C-R Zone shall be sixteen (16) units per acre.

14-9-105 LOT WIDTH⁶

A. <u>Commercial Uses and Mixed Use Developments.</u> There shall be no minimum lot width requirements in the C-R Zone except as may be dictated by off-street parking requirements, adequate circulation and property site utilization.

B. Residential Uses.

Each lot or parcel of land in the C-R Zone, except corner lots, shall have a minimum width of seventy (70) feet at the building setback line for each single family dwelling. Each single family dwelling or duplex corner lot or parcel shall be ten (10) feet wider than the minimum required for interior lots. For multiple family dwellings, the lot width shall be a minimum width of 80 feet.

14-9-106 LOT FRONTAGE

Each lot or parcel of land in the C-R Zone shall have frontage on a public street for a minimum distance of fifty (50) feet.

14-9-107 REPEALED⁷

14-9-108 AREA OF ZONE

The area of the C-R Zone is defined as that area between 500 South on the south, 400 North on north, 100 East on the east, and 100 West on the west which was zoned General Commercial (C-G) as of January 1, 1996. The zone shall not be expanded or changed beyond those boundaries.

14-9-109 YARD REQUIREMENTS⁸

A. Commercial Uses and Mixed Use Developments.

B. Residential Uses.

(a) It is the requirement of Bountiful City that multiple family developments reflect a sense of proportion. Proportion requires that the development be designed in such a manner that each unit receives a reasonable and approximately proportionate share of the open space, landscaping, and other benefits of the site. Locating units in such a way that benefits of the site fall primarily to one unit or a few units and not to others is prohibited. Depending upon site dimensions and configuration, it is possible that proportionality and yard requirements may prevent the utilization to the maximum

⁶Amended 9/9/2003 Ordinance No. 2003-14

⁷Amended 8/10/2004 Ordinance No. 2004-13

⁸Amended 3/23/04 Ordinance No. 2004-03

number of units that may otherwise be permitted by this ordinance in Section 14-9-109 or elsewhere.

The yard requirements set forth in this section are intended to create proportionality, and they set the standard requirements. However, taking into account the individual dimensions and configurations of the site, the Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement to vary somewhat from the standard.

- (b) The following minimum yard requirements shall apply to residential uses in the C-R Zone:
 - Front Yard. For each single family dwelling or duplex, each lot or parcel shall have a front yard setback of not less than thirty (30) feet from the from lot line. Front yards for all multiple family unit developments will be determined by site plan review. shall have a front yard setback of not less than thirty feet unless the City Council permits a different setback to conform with the neighborhood. Parking for mutli-family units cannot be located in the front yard setback.
 - In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the front of the building to the property line shall also be considered a Front Yard.
 - 2 <u>Side Yard Interior Lots.</u> For each single dwelling or duplex, each interior lot or parcel of land shall have a minimum side yard of eight (8) feet with a total combined measurement of at least sixteen (16) feet. Side yards for all multiple family unit developments will be determined site plan review. shall have a minimum side yard of eight feet with a total combined of sixteen feet.

In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), then

- (a) the Front Yard requirement measured from the lot line adjacent to the public right of way remains in effect;
- (b) the area from the front of the building to any property line shall also be considered a Front Yard and must meet the setback requirements of a Front Yard:
- (c) the Rear Yard requirement measured from the back of the lot remains in effect, and
- (d) the ends/sides of the building do not become sideyards.
- 3. <u>Side Yard Corner Lots.</u> On corner lots, the side contiguous with the street shall be treated the same as a front yard.
- 4. <u>Side Yard Accessory Building.</u> No accessory building shall be allowed in any required side yard.
- 5. <u>Rear Yard.</u> There shall be no rear yard requirement except as may be dictated by provisions on the International Building Code.

- 6. Rear Yard Accessory Building. Same requirements for Side Yard Accessory Building.
- B. <u>Residential Uses.</u> The following minimum yard requirements shall apply to residential uses in the C-R Zone:
 - 1 <u>Front Yard.</u> For each single family dwelling or duplex, each lot or parcel shall have a front yard setback of not less than thirty (30) feet from the from lot line. Front yards for all multiple family unit developments will be determined by site plan review.
 - Side Yard Interior Lots. For each single dwelling or duplex, each interior lot or parcel of land shall have a minimum side yard of eight (8) feet with a total combined of sixteen (16) feet. Side yards for all multiple family unit developments will be determined site plan review.
 - 3. <u>Side Yard Corner Lots.</u> On each corner lot or of land, the side yard contiguous to the street shall not be less than twenty (20) feet, and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.
 - 4. <u>Side Yard Driveway</u>. When used for access to a garage, carport, or parking area, a side yard shall be wide enough to provide an unobstructed twelve (12) foot driveway.
 - 5. <u>Side Yard Accessory Building.</u> An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
 - a. The accessory building is located more than five (5) feet to the rear of any main building on same lot or the lot adjacent to the property line on which said building is being placed.
 - b. The accessory building has no openings on the which is contiguous to the property line, and is of one-hour fire resistance construction on said side.
 - c. The accessory building has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.
 - d. The accessory building is no closer than (12) feet to any dwelling or commercial structure on adjacent property.

An accessory building which is more than five (5) feet to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least three (3) feet. All other accessory buildings shall maintain the same side yard as a main building.

6 Rear Yard. For each single family dwelling or duplex, each lot or parcel shall have a rear yard of no less than twenty (20) feet. Rear yards for all multiple family unit development will be determined by site plan review.

- 7. <u>Rear Yard- Irregular Lots.</u> On lots which are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line. The shortest distance used in determining the average shall not be less than fifteen (15) feet.
- 8. <u>Rear Yard Accessory Building.</u> An accessory building may be located on the rear property line so long as:
 - a. It has no openings on the side which is contiguous to the rear property line, and is of one-hour fire-resistant construction on said side.
 - b. The accessory building has facilities for discharge of all roof drainage onto the subject lot or parcel of land.

An accessory building which does not meet the conditions shall be at least three (3) feet from the rear property line.

14-9-110 PROJECTIONS INTO YARDS

- A. The following structures may be erected on, or project into any required yard, except into a required driveway:
 - 1. Fences and walls in conformance with City codes ordinances.
 - 2. Landscaping elements, including trees, shrubs, and plants.
 - 3. Necessary appurtenances for utility service.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that required driveways shall remain unobstructed from the ground upward:
 - 1. Cornices, eaves, belt courses, sills, buttresses, other similar architectural features.
 - 2. Stairways, balconies, door stoops, fire escapes, awnings.
 - 3. Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 - 4. Carports and loading docks in a side yard or rear provided that such a structure is not more than one (1) story in height and is entirely open on at least (3) sides, except for necessary supporting columns and customary architectural features.

14-9-111 BUILDING HEIGHT

In the C-R Zone, the height of every commercial building or structure hereinafter designed, erected or structurally altered or enlarged shall not exceed forty-five (45) feet. No residential building or structure in the C-R Zone shall have a height which exceeds two (2) stories or thirty-five (35) feet

whichever is greater. Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height.

14-9-112 DISTANCE BETWEEN BUILDINGS⁹

- A. <u>Commercial Uses and Mixed Use Developments</u>. No requirements except as may be dictated by the International Building Code and/or any conditions required by the Planning Commission or City Council as part of the granting of a Conditional Use Permit or Site Plan approval.
- B. <u>Single Family and Duplex Residential Uses.</u> For single family dwellings and duplexes, the distance between any dwellings on adjacent lots shall not be less than sixteen (16) feet. The distance between any accessory building and any dwelling on the same lot shall not be less than five (5) feet. The distance between any accessory building and any dwelling on adjacent property shall not be less than twelve (12) feet.
- C. <u>Multiple Family Residential Uses.</u> For multiple family unit developments, the distance between structures on the same lot or project shall not be less than twenty (20) feet.

14-9-113 PERMISSIBLE LOT COVERAGE¹⁰

- A. <u>Commercial Uses and Mixed Use Developments</u>. No requirements except as may be dictated by yard requirements, landscaping requirements, compliance with off-street parking provisions, and/or any conditions required by the Planning Commission or City Council as part of the granting of a Conditional Use Permit or Site Plan approval.
- B. <u>Residential Uses</u>. All buildings, including accessory buildings and structures, and all impervious surfaces such as driveways, sidewalks, patios, parking areas, sports courts and pools shall not cover a total of more than sixty percent (60%) of the area of the lot or parcel of land.

14-9-114 PARKING, LOADING, AND ACCESS¹¹

- A. <u>Commercial Uses.</u> Each lot or parcel shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 18 of this Ordinance. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage as approved by the City Engineer.
- B. <u>Residential Uses.</u> Except as otherwise provided in Chapter 18, the number of paved off-street parking spaces for residential developments will be as follows:

⁹Amended 9/9/2003 Ordinance No. 2003-14

¹⁰Amended 9/9/2003 Ordinance No. 2003-14

¹¹Amended 9/9/2003 Ordinance No. 2003-14

- 1. for single family dwellings and duplexes, 2 spaces per unit.
- 2. for multiple family developments:

Bedrooms	Required Spaces	Visitor Spaces
1	1.5 /unit	.25/unit
2	2.0 /unit	.25/unit
3 or more	2.5/unit	.25/unit

At least one (1) of the required parking spaces shall be a designated, covered parking stall for each dwelling unit. Visitor parking spaces shall be distributed throughout the project for convenient access from all units.

The Planning Commission may require more off-street parking to accommodate parking for recreational vehicles. This additional requirement must be based upon, but not limited to, the following criteria:

- A. Size of development
- B. Size of individual units
- C. Number of individual units
- D. Market value of individual units
- E. Occupancy mix of individual units.

In multiple family developments, parking areas shall be designed so as to provide adequate buffering from dwelling units both on the subject property and adjacent properties. Such buffering shall be accomplished by: (1) distributing parking areas around the site to create smaller areas of off-street parking; (2) providing landscaped berms at appropriate locations; and (3) providing landscaped island areas to break up large asphalt areas.

C. <u>Mixed Use Developments.</u> An overall parking plan shall be determined by site plan review and be subject to any conditions required by the Planning Commission or City Council as part of the granting of Site Plan approval.

14-9-115 SITE PLAN APPROVAL¹²

Except for single family dwellings and duplexes, site plan approval shall be required for any permitted or conditional use or mixed use developments in the C-R Zone as per Chapter 2, Part 3 of this Ordinance.

14-9-116 OTHER REQUIREMENTS

¹²Amended 9/9/2003 Ordinance No. 2003-14

A. Signs.

- 1. <u>Commercial Uses.</u> All signs erected in the C-R Zone shall be in conformance with the sign provisions of Chapter 19 of this Ordinance.
- 2. <u>Residential Uses.</u> Unless otherwise prohibited by law, signs of the type and description listed below, and not others, may be placed and maintained on residential uses in the C-R Zone:
 - a. Signs or name plates not exceeding one (1) square in size and displaying only the name and address of the occupant.
 - b. One flat or wall sign placed on the dwelling which does not exceed one and one-half $(1 \frac{1}{2})$ square feet identifying a home occupation.
 - c. One sign or name plate not exceeding twenty (20) feet placed upon the building or ornamental masonry wall which identifies the name and/or address of an apartment structure or complex.
 - d. Two temporary signs with a maximum area of six square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no others.
 - e. Signs or monuments identifying points of interest sites of historic significance. The size of said signs or monuments shall be specifically approved by the City Council.
- B.¹³ <u>Uses Within Buildings.</u> All permitted and conditional uses established in the C-R Zone shall be conducted entirely within a fully enclosed building except for the outdoor display of merchandise for sale subject to the following conditions:
 - 1. <u>Outdoor Display of merchandise for sale.</u> Outdoor display of merchandise for sale shall be allowed as an accessory use for all permitted and approved conditional uses in the C-R Zone where the display of such items does not impede the flow of pedestrian or vehicular traffic, or create an unsafe condition. The display of goods shall meet all of the following conditions:
 - a. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway, or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic except as provided in Subsection 2 below.
 - b. The outdoor display of merchandise shall not reduce the amount of off-street parking

¹³Amended 9/9/2003 Ordinance No. 2003-14

- below that which is required for the associated commercial uses on the premises.
- c. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. This shall not include hazardous and flammable materials, such as antifreeze, kerosene, poisons, pesticides and other similar items.
- d. The aggregate outdoor display area shall not exceed 25 percent of the linear frontage of the store front or 10 linear feet, whichever is greater. Businesses located on a corner shall be considered as having two store fronts.
- e. No outdoor display shall exceed six feet in height.
- f. A maximum of 50% of the aggregate outdoor display area may be located in any required landscaping.
- g. Items shall be displayed outdoors only during the hours that the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
- h. Additional signs, beyond those normally allowed for the subject business, shall not be allowed as part of the outdoor display and sales area.
- i. Outdoor displays for special sales or for one of a kind items which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed 14 days provided such special displays do not create parking, access or traffic hazards.
- 2. Outdoor Display of merchandise for sale in the downtown area. Businesses in the C-R Zone that have building setbacks less than three (3) feet from the public right-of-way may display in the public right-of-way, subject to the following terms and conditions:
 - a. Any display of merchandise on the sidewalk may not exceed three feet into the public right-of-way from the property line of the business, except during the annual sidewalk days celebration. There may be no display of merchandise in the planter boxes in the public right-of-way.
 - b. During the winter months, a display may not impede snow removal from the sidewalk.
 - c. The display shall not exceed twenty-five percent (25%) of the frontage of the business. However, businesses with less than forty (40) feet of frontage may have a display not to exceed ten (10) feet in width.
 - d. Only merchandise sold inside the business may be displayed outside.

- e. No outdoor display shall exceed six (6) feet in height.
- f. Each display shall be taken down at the end of each business day. The merchant shall be solely responsible for items displayed.
- g. Each display shall not create a hazard, sight distance, or other problem to pedestrians on the sidewalk or to drivers on the street.
- h. Displayed merchandise shall not obscure or interfere with any official notice, public safety sign, or device.
- C. <u>Landscaping</u>. The following landscaping provisions shall apply in the C-R Zone as may be appropriate under the requirements of Chapter 16 of this Ordinance:
 - 1. All open areas between the front line and the rear of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping of plants, trees, shrubs, grass and similar landscaping materials.
 - 2. Ten (10) feet of landscaping shall be required along frontage areas not occupied by drive accesses.
 - 3. All landscaping must be sprinkled and planted in substantial live plant material for the purpose of buffering, screening, and beautifying the site. At plant maturity, the landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
 - 4. Landscaping adjacent to residential zoning will a minimum buffer of ten (10) feet.
 - 5. Landscaping adjacent to off-street parking within yard area will require a minimum landscaped area of five (5) feet providing it does not abut residential zoning.
 - 6. Parking areas shall be landscaped where possible the periphery and at the ends of parking rows.
 - Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between the sidewalk and curb is prohibited.
 - 8.14 Approved landscaping must cover a minimum of ten percent (10%) of any commercial

¹⁴Amended 9/9/2003 Ordinance No. 2003-14

development site or forty percent (40%) of any multiple family residential site, and thirty percent (30%) of any other residential development site, exclusive of any parkstrips in the public right-of-way. Landscaping coverage for mixed use developments shall be determined by site plan review.

D. Structure Design and Materials.

- 1. Exteriors shall be essentially maintenance free wall material such as high quality brick, natural stone, weather resistance stucco or masonite type material, or non-wood siding. Stucco, masonite or siding may not exceed fifty (50) percent of the exterior.
- 2. All units shall have some private outdoor space in the form of balconies or patios.

E. Neighborhood Compatibility.

- 1. Buildings shall be designed with compatibility to adjacent residential development, particularly with regard to building height, architecture, landscaping, and building mass.
- 2. All perimeter setbacks shall be equal to or greater than the average of the surrounding setbacks.
- 3. All perimeter buildings shall be equal to the average height of the adjacent structures. Such perimeter buildings may increase one (1) foot in height for each one (1) foot of extra setback beyond the average of the surrounding setbacks to a maximum of thirty-five (35) feet.
- F. <u>Trash Storage</u>. The following provisions shall apply to storage and disposal of trash and other used materials and debris in the C-R Zone:
 - 1. For all single family and duplex residential uses, no trash, garbage, refuse, unsightly or deleterious objects or structures, or used materials, shall be allowed or permitted upon any property. Storage of commercial goods or materials is expressly prohibited.
 - 2. For multi-family residential, institutional and commercial uses, a screened or otherwise enclosed area will be as an integral part of the on-site buildings or an outside area designated for having a dumpster or other trash control device to keep the trash out of public view and controlled to keep litter from scattering throughout the area.

G. Walls and Fences.

1. All walls and fences erected and maintained on and around commercial and single family and duplex residential developments in the C-R Zone shall comply with the provisions of Chapter 17 of this Ordinance. All walls and fences erected and maintained on and around multiple family residential developments shall be of a maintenance free material and shall comply with the provisions of Chapter 17 of this Ordinance.

14-9-117 SPECIAL ALLOWANCES FOR APARTMENTS FOR THE ELDERLY

Apartment developments designated and intended for the exclusive occupancy of persons and couples fifty-five (55) years of age and older may be granted special allowances to the required 16 units per acre density and parking provisions of this Chapter as follows:

A. <u>Density.</u> The maximum allowable density for apartments for the elderly apartments is twenty (20) units per acre based on the following unit equivalencies:

Type of Apartment	<u>Unit of Equivalency</u>
Efficiency Apartment	.50 unit
(as defined by the I.B.C.)	
One-bedroom Apartment	.75 unit
Two-bedroom Apartment	1.00 unit

(Example: A development with 20 efficiency apartments ($20 \times .5 = 10$), 20 one-bedroom apartments ($20 \times .75 = 15$) and 5 two-bedroom apartments ($5 \times 1.0 = 5$) would have an equivalent density of 30 units.)

B. Parking.

1. The number of paved off-street parking spaces for apartments for the elderly shall be as follows:

Efficiency Apartment	1 space/apt.
One-bedroom apartment	1 space/apt.
Two-bedroom apartment	2 spaces/apt.

- 2. Each apartment will have at least one (1) covered parking space reserved for the residents of the apartment.
- 3. The Planning Commission may authorize up to a twenty-five percent reduction in required paved and covered parking spaces provided the Planning Commission makes the following findings:
 - a. All required parking has been provided for on the site, whether or not all spaces will be paved and covered.
 - b. The proposed tenant mix will not use the total required spaces due to reduced ownership and operation of personal vehicles. Such finding shall be based on the age, ambulatory ability, and living arrangements (i.e., required meals, on-site care, etc.) of the proposed tenants.
 - c. The developers and/or operators certify that a private bus service for tenants

- will be provided as part of the tenant amenities of the project.
- d. The developers and/or operators agree to pave any parking so reduced should the Planning Commission find, after further review or at any future time, that the findings made above have changed.
- 4. Notwithstanding, space for all required spaces not paved or covered shall be reserved in landscaped open space on site. A plan showing all paved and reserved spaces shall be included in any final site plan.
- C. Conditional Use Permit Required. Apartment developments for the elderly shall be considered under the Conditional Use Permit process in Part 2 of Chapter 2 of this ordinance. Such conditional use permits shall be granted for the explicit use for apartments for the elderly. If any such conditionally permitted development ceases to operate as an apartment development for the elderly or ownership changes, such conditional use permit must be reapplied for by any new developers and/or operators for continued use as apartments for the elderly or must be retrofitted for standard multiple-family developments under this Ordinance.

14-9-118 ZERO LOT LINE DEVELOPMENT AND CONVERSIONS

Zero lot line development or conversions may be permitted by Conditional Use Permit granted by the Planning Commission in the C-R Zone under the following provisions:

- A. <u>Lots in New Subdivisions.</u> In new subdivisions of more than ten (10) lots, not more than fifty percent (50%) of the total lots may be developed as zero lot line dwellings.
- B. Lots not in Subdivisions. Platted, approved, undeveloped lots not in new subdivisions may be developed singly as zero lot line dwellings.
- C <u>Existing Duplex Conversions.</u> Existing duplexes may be converted to separate ownership for zero lot line dwellings, provided both sides of the conversion meet minimal lot size requirements. All appropriate building code requirements for condominium construction shall apply.

D. Development Standards.

- 1. <u>Lot Frontage and Width.</u> Each zero lot line dwelling lot shall have frontage on a public street and a minimum width at the front setback line of forty (40) feet.
- 2 <u>Minimum Lot Size.</u> The minimum lot size for each zero lot line dwelling in the C-R Zone shave be five thousand (5,000) square feet.
- 3. <u>Yard Regulations</u>.

- a. <u>Front Yard.</u> The front yard setback shall be the same as is required for residential uses in this zone.
- b <u>Side Yard.</u> The side yard setback shall be at least twenty percent (20%) of the lot frontage, or ten (10) feet, whichever is greater. On corner lots, the zero side yard shall never occur on the street side.
- c. <u>Rear Yard.</u> The rear yard setback shall be the same as is required for residential uses this zone.
- 4. <u>Lot Coverage.</u> No more than fifty percent (50%) of the lot may be occupied by a zero lot line dwelling and any accessory buildings.
- 5. <u>Building Height.</u> Zero lot line dwellings shall have a maximum building height of thirty-five (35) feet.
- 6. <u>Openings on the Zero Lot Side.</u> On detached buildings, no windows, doors, or other openings shall be allowed on the zero lot line side.
- 7. <u>Parking.</u> A minimum of two (2) off-street parking spaces shall be provided for each zero lot line dwelling.
- 8. <u>Lots Bordering Standard Lots.</u> Where a zero lot line lot borders a standard, non-zero lot line lot, the zero lot line side of any dwelling shall be opposite the abutting lot line.

14-9-119 SPECIAL PROVISIONS FOR DEVELOPMENT OF MULTIPLE-FAMILY UNITS ON LOTS WITH EXISTING SINGLE FAMILY OR DUPLEX STRUCTURES

The combining of single family or duplex residential uses with multi-family residential uses on the same parcel of land shall be permitted under the following conditions:

- A. There is an existing side yard with sufficient width to allow for the development of the necessary driveway to the rear of the lot meeting the provisions of Sections 14-6-116 B. and 14-18-109 B. of this Ordinance.
- B. The lot area required for a single family unit or for a duplex as specified in Section 14-6-104 of this Chapter shall be deducted from the area used to calculate the multiple-family residential density as per Section 14-6-107 of this Chapter.
- C. Required front, side and rear yards for the existing single family or duplex structure as specified in Section 14-9-109 of this Chapter shall be used as the minimum separation requirements between the multiple-family units and the existing single family or duplex structure.

- D. Parking for the multiple-family units shall not be provided in any front, side or rear yard maintained for the existing single family or duplex structure.
- E. A minimum rear yard of twenty (20) feet and minimum side yards of ten (10) feet shall be required around the multiple-family units.